

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) No. CR.-06-0542-MHP
Plaintiff,)
vs.)
DAVID SIMCHO,) ORDER
Defendant.)

This matter is set for status and trial setting on December 4, 2006. Upon defendant's request the matter is continued to February 12, 2007 at 10:00 a.m. for status and trial setting. The government and defendant and his counsel (Thomas Kidwell) have agreed that the period from December 4, 2006 to February 12, 2007 shall be excluded under the Speedy Trial Act in the interest of justice pursuant to Title 18 U.S.C Sections 3161(h)(8)(A), (B)(ii), and (B)(iv). The Court agrees and finds that the ends of justice served by excluding the above period outweigh the best interests of the public and the defendant in a speedy trial, because the defendant and his counsel are entitled to a reasonable time necessary for effective preparation of the defenses.

IT IS SO ORDERED.

Dated: 12/1/06



CERTIFICATE OF SERVICE

1 I, KATHY TAT declare:

2 That I am a citizen of the United States of America and employed in San Francisco County,
3 California; that my business address is Office of United States Attorney, 450 Golden Gate
4 Avenue, Box 36055, San Francisco, California 94102; that I am over the age of eighteen years,
5 and am not a party to the above-entitled action.

6 I am employed by the United States Attorney for the Northern District of California and
7 discretion to be competent to serve papers. The undersigned further certifies that I caused a copy
8 of the following:

9 **ORDER**

10 to be served this date upon the party(ies) in this action by placing a true copy thereof in a sealed
11 envelope, and served as follows:

12 X **FIRST CLASS MAIL** by placing such envelope(s) with postage thereon fully prepaid in
13 the designated area for outgoing U.S. mail in accordance with this office's practice.

14 **PERSONAL SERVICE (BY MESSENGER/HAND DELIVERED)**

15 **FACSIMILE (FAX) No.:** _____

16 to the parties addressed as follows:

17 Thomas Breen Kidwell
18 2021 The Alameda, Suite 110
19 San Jose, CA 95126-1144

20 I declare under penalty of perjury under the laws of the United States that the foregoing is
21 true and correct.

22 Executed on December 1, 2006 at San Francisco, California.

23 _____
24 _____
25 _____
26 _____ /s/ Kathy Tat _____
27 _____ KATHY TAT
28 _____ Legal Assistant